

## **REMARKS**

### **OBJECTIONS TO THE SPECIFICATION**

Applicants disagree that the bonds to the structural formulas of the moieties on pages 22, 27(brackets) and 36 are unclear. Applicants assert that one skilled in the art of medicinal organic chemistry would readily understand that the structural formulas of the moieties would be attached to the oxygen atoms in place of  $R^2$ , or  $R^3$  or  $R^5$  to form an ester moiety attached to the sugar portion of the compound of formula II.

The specification also stands objected to for having numerous informalities on numerous pages. Applicants respectfully request clarification of precisely what informalities need to be corrected and Applicants will correct them.

### **DOUBLE PATENTING REJECTIONS**

Claims 1-5 and 15 stand provisionally rejected under the judicially-created doctrine of obviousness type double patenting over various claims in co-pending, commonly-owned application Serial No, 09.837,609.

Applicants are enclosing a terminal disclaimer properly executed in accordance with 37 CFR1.130(b).

Claims 1-5 stand provisionally rejected under the judicially-created doctrine of obviousness type double patenting over various claims in co-pending, commonly-owned U.S. Patent No. 6,271,830 B1.

Applicants are enclosing a terminal disclaimer properly executed in accordance with 37 CFR1.130(b).

### **CLAIM OBJECTIONS**

Claims 1,3,5,and 13 stand objected to for various informalities.

Applicants are amending the claims to correct the informalities and thank the Examiner for bringing them to their attention.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1-17 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite.

Applicants are amending claim 1 to delete the variable "Y". Basis for the amendment is found for example page 6, line 6.

Applicants assert that one skilled in the organic and medicinal chemistry arts would readily ascertain the scope of claim 1 and clearly understand the meaning of the variables for  $R^{2'}$ ,  $R^{3'}$  and  $R^{5'}$ . In the example that the Examiner has given in the Official Action in paragraph 9, it is readily clear to one skilled in the art that  $R^{3'}$  could be H, and  $R^{5'}$  could be the same as  $R^2$ .

Applicants also assert that one skilled in the organic and medicinal chemistry arts and reading the definition and examples of "heterocyclic" provided in the specification, for example on page 21, line 28 to page 22, line 14 would readily understand that I and J could not both be carbon or the ring would not be a heterocyclic moiety.

Claims 3 and 4 stand rejected for lacking an action step and claim 5 stands rejected for lacking a conjunction.

Applicants are amending claims 3 and 4 to add the word “administering” and to add the word “and” to claim 5. Applicants thank the Examiner for bringing these informalities to their attention.

Claims 6 and 7 stand rejected for lacking antecedent basis in claim 6, and for use of abbreviations in claims 6 and 7.

Applicants are amending claim 4 to provide antecedent basis and are defining the abbreviations in claim 6.

Claims 13 and 14 stand rejected for being indefinite in the linkage of the moieties  $R^{5'}$ .

Applicants assert that one skilled in the organic and medicinal chemistry arts would readily understand that  $R^{5'}$  are “alkanoyl” or “acyl” groups that would bond to the oxygen atom in formula II to form an ester.

Claims 12 and 15 stand rejected for being indefinite or unclear or ambiguous. Applicants assert that one skilled in the art would readily understand that the “X”, variable could be attached to the 2 or 3 carbon in the benzoyl moiety and that the two “X’s” could be attached to the 2 or 3 carbon and the 4 or 5 carbon in the other benzoyl moiety.

Claim 15 stands rejected for use of the abbreviation HCV-RNA .

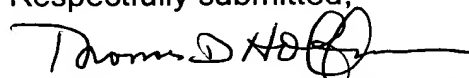
Applicants are amending claim 4 to specify that “hepatitis C viral” infection is a HCV infection. The abbreviation RNA needs no definition; it would be readily understood to one skilled in the organic and medicinal chemistry arts to which this application pertains.

Claims 6-7 stand objected to for the word administered and for the terms TIW and QOD.

Applicants are amending claims 6 -7 to delete 'administered" and to define TIW as three times a week and QOD as every other day> Basis for the definition TIW is found in the specification; the definition of QOD is found in the Dictionary Of Abbreviations in Medicine and the Health Sciences, Harold K. Hughes, Lexington Books, Lexington MA,1977 at page 239.

If the undersigned attorney can be of any assistance in advancing prosecution, please contact him.

Respectfully submitted,



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# Dictionary of Abbreviations in Medicine and the Health Sciences

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State University of New York

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**Q-gas** mixture of helium and 1.3% butane

**qh** every hour (Latin: quaque hora)

**q2h** every two hours (Latin: quaque secunda hora)

**QHNS** Queen's Honorary Nursing Sister

**q hor** every hour (Latin: quaque hora)

**QHP** Queen's Honorary Physician

**QHS** every bedtime (Latin: quaque hora somni); Queen's Honorary Surgeon

**qid** four times a day (Latin: quater in die)

**QIDN** Queen's Institute of District Nursing

**QJEPCMS** Quarterly Journal of Experimental Physiology and Cognate Medical Sciences

**QJM** Quarterly Journal of Medicine (APGBI)

**QJPP** Quarterly Journal of Pharmacy and Pharmacology

**QJSA** Quarterly Journal of Studies on Alcohol

**ql** as much as wanted (Latin: quantum libet)

**qm** every morning (Latin: quaque mane)

**QM** Quebec Medical (journal, formerly Montreal Medical); quinacrine mustard

**qn** every night (Latin: quaque nocte)

**QNI** Queen's Nursing Institute (UK)

**QNJ** Queen's Nursing Journal (QNI, UK)

**q noc** every night (Latin: quaque nocte)

**qns** quantity not sufficient to run test

**QNS** Queen's Nursing Sister

**qod** every other day (Latin)

**QOH** every other hour (Latin)

**qon** every other night (Latin)

**qp** as much as you please (Latin: quantum placeat)

**QP** qualified psychiatrist; quanti-Pirquet reaction; quartz prism

**QPM** every night (quaque post meridiem)

**qq** each, every (Latin: quodque, quaeque)

**qqh** every four hours (Latin: quaque quarta hora)

**qq hor** every hour (Latin: quaque hora)

**QR** the quantity is correct (Latin: quantum rectum)

**QRB** Quarterly Review of Biology (journal)

**QRS** part of electroencephalographic wave

**QRZ** wheal reaction time (German: Quaddel reaktion zeit)

**qs** enough or quantity sufficient (Latin: quantum sufficiat or satis)

**QS AD** a quantity sufficient to make (Latin)

**q suff** as much as necessary (Latin: quantum sufficit)

**qt** quiet

**Qt** quantity; quart

**QT** Quick Tan (dihydroxy-acetone); Quick's test; quiet

**quad** four times (Latin: quadruplicato)

**quadr-** combining form meaning four (Latin)

**Quak** Quaker

**qual** qualitative; quality

**quant** quantitative; quantity

reek: pyknos)

pyle)

reek: pyloros)

pyocyanea

ogy (journal)

e of band-width; part of  
uadrilateral; quart; quar-

orps  
ervice

fraction